

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A22-1505**

In re the Marriage of: Kenneth Dion Hull, petitioner,
Appellant,

vs.

Carissa Elizabeth Hull,
Respondent.

**Filed November 6, 2023
Affirmed
Klaphake, Judge***

Ramsey County District Court
File No. 62-FA-19-2156

Zachary B. Smith, Vox Law, LLC, Minneapolis, Minnesota (for appellant)

Richard D. Crabb, Hill Crabb, LLC, Edina, Minnesota (for respondent)

Considered and decided by Connolly, Presiding Judge; Bjorkman, Judge; and
Klaphake, Judge.

NONPRECEDENTIAL OPINION

KLAPHAKE, Judge

This is an appeal by Kenneth Dion Hull (father) from the district court judgment awarding Carissa Elizabeth Hull (mother) sole physical custody and primary residence of their child K.D.H., and parenting time to him. Father also appeals from the denial of his

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

motion for amended findings or a new trial. Because the district court’s findings are not clearly erroneous and its conclusions are not contrary to law, we affirm.

DECISION

Father first argues that the district court failed to properly consider the application of *Amarreh v. Amarreh*, 918 N.W.2d 228 (Minn. App. 2018) to the facts of this case. In that case this court determined “that a sustained course of conduct by one parent designed to diminish a child’s relationship with the other . . . may be grounds for denying . . . custody.” *Id.* at 231-32. Here, the district court did not find that mother’s conduct was a “sustained course” or that it was “designed to diminish” the child’s relationship with the father. Instead, the district court found that the mother neither knew, nor had reason to believe, that certain allegations against father were false. Additionally, the district court found that mother did not intend to influence the custody proceedings by her allegations. While the custody evaluator had a different view, the district court implicitly credited the critique of the custody evaluation by finding there was no evidence mother knew the allegations were false. Credibility determinations are for the district court, not this court. *See In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 223 (Minn. 2021); *Sefkow v. Sefkow*, 427 N.W.2d 203, 210 (Minn. 1988); *Gada v. Dedefo*, 684 N.W.2d 512, 514 (Minn. App. 2004) (stating that appellate courts “neither reconcile conflicting evidence nor decide issues of witness credibility, which are exclusively the province of the factfinder”).

Next, father argues that the district court incorrectly analyzed the enumerated statutory best interest factors for determining child custody disputes. *See* Minn. Stat. § 518.17, subd. 1 (2022). The district court devoted over 18 pages to its analysis of the

best interests’ factors and analyzed each factor in detail. We observe no abuse of discretion in this analysis.

Finally, father argues that the district court did not analyze the statutory best interests’ factors independently of the previous temporary orders. Father claims that the district court’s conclusions as to the impact a specific factor had was expressed in relation to the parenting time schedules of the temporary orders instead of an independent analysis. Father references the admonition of Minnesota Statutes section 518.131, subdivision 9(a) (2022) that a temporary order “[s]hall not prejudice the rights of the parties or the child which are to be adjudicated at subsequent hearings in the proceeding.” It is true that the district court’s analysis of the best interest factors included facts which were the product of temporary orders such as living locations and conditions of both parents and family and community resources available to the child. The district court even observed that moving the child “was too drastic . . . and failed to consider the dramatic impact it would have on many of the sources of security this child has in his current community.” This “was exacerbated by the fact [f]ather did not have a coherent plan for how he would address these significant shortfalls.” Such observations were factual and not based on prior temporary orders. We observe no statutory violation and affirm.

Affirmed.